

FEB 15 1996

STATE GOVERNMENT

HOUSE FILE

2222

BY WARNSTADT

Passed House, Date _____ Passed Senate, Date _____
 Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
 Approved _____

A BILL FOR

1 An Act relating to assistance rendered in emergencies by
 2 providing for mutual aid agreements between fire departments
 3 and providing immunity from suit for persons rendering
 4 assistance during workplace emergencies.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2222

1 Section 1. NEW SECTION. 28E.41 EMERGENCY SERVICES --
2 CONTRACTS FOR MUTUAL AID.

3 1. A city fire department, benefited fire district, or
4 township fire department may enter into contracts providing
5 for mutual aid regarding emergency services provided by such
6 department or district. The contracts that are agreed upon
7 may provide for compensation from the parties and other terms
8 that are agreeable to the parties and may be for an indefinite
9 period as long as they include a sixty-day cancellation notice
10 by any party. The contracts agreed upon shall not be entered
11 into for the purpose of reducing the number of employees of
12 any party.

13 2. A city fire department, benefited fire district, or
14 township fire department may provide assistance to any other
15 such department or district in the state at the time of a
16 significant emergency such as a fire, earthquake, flood,
17 tornado, hazardous material incident, or other such disaster.
18 The chief or highest ranking fire officer of an assisting
19 department or district may render aid to a requesting
20 department or district as long as the chief or officer is
21 acting in accordance with the policies and procedures set
22 forth by the governing board of the assisting department or
23 district.

24 3. The chief or highest ranking officer of the city fire
25 department, benefited fire district, or township fire
26 department of the district within which the incident occurs
27 shall maintain control of the incident in accordance with the
28 provisions of chapter 102. The chief or highest ranking
29 officer of the department or district giving mutual aid shall
30 be in charge of the assisting departmental or district
31 personnel.

32 Sec. 2. Section 613.17, Code 1995, is amended to read as
33 follows:

34 613.17 EMERGENCY ASSISTANCE IN AN ACCIDENT.

35 A person, who in good faith renders emergency care or

1 assistance without compensation, shall not be liable for any
2 civil damages for acts or omissions occurring at the place of
3 an emergency or accident or while the person is in transit to
4 or from the emergency or accident or while the person is at or
5 being moved to or from an emergency shelter unless such acts
6 or omissions constitute recklessness. For purposes of this
7 section, if a volunteer fire fighter, a volunteer operator or
8 attendant of an ambulance or rescue squad service, a volunteer
9 paramedic, a volunteer emergency medical technician, or a
10 volunteer registered member of the national ski patrol system
11 receives nominal compensation not based upon the value of the
12 services performed, that person shall be considered to be
13 receiving no compensation. The operation of a motor vehicle
14 in compliance with section 321.231 by a volunteer fire
15 fighter, volunteer operator, or attendant of an ambulance or
16 rescue squad service, a volunteer paramedic, or volunteer
17 emergency medical technician shall be considered rendering
18 emergency care or assistance for purposes of this section.
19 For purposes of this section, a person rendering emergency
20 care or assistance includes a person involved in a workplace
21 rescue arising out of an emergency or accident.

22

EXPLANATION

23 This bill provides that any city fire department, benefited
24 fire district, or township fire department may enter into
25 mutual aid agreements concerning emergency services provided
26 by that department or district. The bill provides that in
27 rendering assistance for a disaster pursuant to a mutual aid
28 agreement, the chief of the fire department or district where
29 the incident occurred shall maintain control of the incident
30 as provided in chapter 102, and the chief of the assisting
31 department or district shall only be responsible for the
32 assisting department's or district's personnel.

33 The bill also provides that the immunity from civil
34 liability that applies to persons who render emergency care
35 without compensation also applies to persons involved in a

1 workplace rescue arising out of an emergency or accident.

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